

**ALL PROCESS, PLEADINGS and ORDERS
PREVIOUSLY SERVED UPON DEFENDANT
AND DEFENDANT'S ANSWER**

IN

CAUSE NO. 110207-86

Margaret Horn

vs.

Dollar General Corporation

**IN THE 86TH DISTRICT COURT
KAUFMAN COUNTY, TEXAS**

- A. Copy of Register of Actions from Kaufman County District Clerk for Cause No. 110207-86
- B. Plaintiff's Original Petition filed February 16, 2022
- C. Citation to Defendant Dollar General Corporation served February 18, 2022
- D. Defendant's Original Answer filed March 10, 2022
- E. Defendant's Jury Demand filed March 10, 2022

EXHIBIT A

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Search](#) [Refine Search](#) [Back](#)[Location](#) [All Courts](#) [Help](#)**REGISTER OF ACTIONS****CASE No. 110207-86****MARGARET HORN Vs. DOLLAR GENERAL CORPORATION**§
§
§
§
§Case Type: **Injury or Damage - Other**Date Filed: **02/16/2022**Location: **DC 86th District Court****PARTY INFORMATION****Defendant DOLLAR GENERAL CORPORATION****Lead Attorneys****Plaintiff HORN, MARGARET****Mackenzie B Linyard**
Retained
972-661-1111(W)**EVENTS & ORDERS OF THE COURT**

OTHER EVENTS AND HEARINGS			
02/16/2022	Original Petition (OCA)		
02/16/2022	Citation		
	DOLLAR GENERAL CORPORATION	Served	02/18/2022
		Returned	03/02/2022
03/02/2022	Return of Service		
03/10/2022	Defendants Original Answer		
03/10/2022	Jury Demand		

FINANCIAL INFORMATION

	Plaintiff HORN, MARGARET		
	Total Financial Assessment		358.00
	Total Payments and Credits		358.00
	Balance Due as of 03/10/2022		0.00
02/16/2022	Transaction Assessment		358.00
02/16/2022	EFile Payment	Receipt # DC-170027	(221.00)
02/16/2022	State Credit	HORN, MARGARET	(137.00)

EXHIBIT B

Filed: 2/16/2022 12:35 PM
Rhonda Hughey,
District Clerk
Kaufman County, Texas
Michelle Lopez

CAUSE NO. 110207-86

MARGARET HORN
PLAINTIFF,

v.

DOLLAR GENERAL CORPORATION,
DEFENDANT.

§
§
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§
§
§

IN THE DISTRICT COURT

Kaufman County - 86th District Court

JUDICIAL DISTRICT

KAUFMAN COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, MARGARET HORN, Plaintiff, complaining of and against DOLLAR GENERAL CORPORATION, Defendant, and for cause of action would respectfully show the Court the following:

I. DISCOVERY CONTROL PLAN LEVEL

- 1.01 Pursuant to Texas Rules of Civil Procedure Rule 190.4, Plaintiff requests that discovery be conducted in accordance with Discovery Control Plan-Level 1.
- 1.02 Plaintiff seeks monetary relief no greater than \$250,000.

II. JURISDICTION AND VENUE

2.01 This Court has jurisdiction and venue over the parties and subject matter of these claims because the amount in controversy is within the jurisdictional limits of this Court and all or a substantial part of the events or omissions giving rise to the claim occurred in Kaufman County, Texas.

III. PARTIES AND SERVICE

3.01 Plaintiff is individual residing in Dallas County, Texas.

3.02 Defendant, DOLLAR GENERAL CORPORATION, is the owner/operator and has exclusive control of the premises, located at 410 W Broad Street, Forney, Texas 75126. Defendant is a Tennessee corporation and can be served with process by serving its registered agent, Tax Advisors Group Inc., and can be served through its registered agent 100 Mission Ridge Goodlettsville, Tennessee 37072.

IV. FACTS

4.01 On or about July 16, 2021, Plaintiff was injured, while on Defendant's premises located at 410 W Broad Street, Forney, Texas 75126 (the "Premises"). At the time of Plaintiff's injury, the Premises were being used for the purpose of a Dollar General store.

4.02 Defendant was in control of the Premises on which Plaintiff's injuries occurred. At the time the injuries occurred, Defendant was the owner of the Premises or leasing the Premises and had the exclusive right to control the property on which Plaintiff was injured.

4.03 Plaintiff was an invitee at the time the injury occurred. Plaintiff went onto Defendant's premises for the mutual benefit of herself and Defendant, and at the implied invitation of the Defendant.

4.04 Plaintiff was injured when she slipped and fell on detergent on the floor near the check-out area. Plaintiff suffered serious injuries as a result of this incident as complained of herein.

V. CAUSE OF ACTION FOR PREMISES LIABILITY

5.01 At all material times, Plaintiff was an invitee of Defendant as he was on the Premises for the purpose of purchasing merchandise from Defendant at Defendant's implied invitation. At the time of the incident, there existed on the Premises a dangerous condition of which Defendant knew or should have known. Such dangerous condition posed an unreasonable risk of harm but Defendant failed to exercise reasonable care to eliminate the risk. Such failure by Defendant proximately caused Plaintiff to suffer injuries.

VI. DAMAGES

6.01 As a proximate result of Defendant's negligence, Plaintiff suffered severe physical injuries. As a result of his injuries, Plaintiff has suffered the following damages:

- a. Reasonable expenses for necessary medical care in the past and future for Plaintiff;
- b. Pain and suffering in the past and future;
- c. Physical impairment in the past and future;
- d. Disfigurement, past and future; and
- e. Loss of use.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully pray that the Defendant be cited to appear and answer herein, and that upon final hearing of the cause, judgment be entered for the Plaintiff against the Defendant for damages in an amount within the jurisdictional limits of the Court, together with pre-judgment and post-judgment interest at the maximum rate allowed by

law, costs of court, and such other and further relief to which the Plaintiff may show themselves justly entitled.

Respectfully submitted,
RAD LAW FIRM

BY: /s/Mackenzie Linyard

MACKENZIE B. LINYARD

State Bar No. 24083399

8001 LBJ Fwy, Suite 300

Dallas, Texas 75251

Phone (972) 661-1111

Fax (972) 661-3537

E-Mail: mlinyard@radlawfirm.com

E-File: efileML@radlawfirm.com

ATTORNEY FOR PLAINTIFF

EXHIBIT C

PERSONAL CITATION
THE STATE OF TEXAS

CAUSE # 110207-86

NOTICE TO THE RESPONDENT: "You have been sued. You may employ an attorney. If you or your attorney does not file a written answer with the clerk who issued this citation by 10:00 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

TO:

DOLLAR GENERAL CORPORATION
by serving its registered agent
Tax Advisors Group Inc
100 MISSION RIDGE
GOODLETTSVILLE TN 37072

Respondent Greetings:

YOU ARE HEREBY COMMANDED to appear before the Honorable 86th District Court, Kaufman County, Texas, by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** of the Plaintiff at or before 10:00 o'clock a.m. of the Monday next after the expiration of 20 days from the date of service hereof, a copy of which accompanies the Citation in Cause Number 110207-86, styled **MARGARET HORN Vs. DOLLAR GENERAL CORPORATION**, filed in said court on February 16, 2022. WITNESS, RHONDA HUGHEY, District Clerk of Kaufman County, Texas.

Issued and given under my hand and seal of said Court at Kaufman, Texas, on this the 16th day of February, 2022.

RHONDA HUGHEY
DISTRICT CLERK
100 W Mulberry St
Kaufman, TX 75142

By

Michelle Lopez

Attorney for Plaintiff:
Mackenzie B Linyard
12900 Preston Road Suite 900
Dallas TX 75230
972-661-1111

**OFFICER'S RETURN**

Came to hand on the _____ day of _____, 20____, at _____, o'clock ____m., and executed in _____ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the Citation at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____
and the cause or failure to execute this process is: _____
and the information received as to the whereabouts of said defendant being _____

FEES:

Serving Petition and Copy \$ _____

Total

\$ _____

_____, Officer

_____, County, Texas

By: _____, Deputy

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

" My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

Declarant/Authorized Process Server

(Id # & expiration of certification)

EXHIBIT D

Filed: 3/10/2022 1:47 PM
Rhonda Hughey,
District Clerk
Kaufman County, Texas
Sherry Keathley

CAUSE NO. 110207-86

MARGARET HORN	§	IN THE DISTRICT COURT
	§	
Plaintiff	§	
	§	
v.	§	KAUFMAN COUNTY, TEXAS
	§	
DOLLAR GENERAL CORPORATION	§	
	§	
Defendant	§	86TH JUDICIAL DISTRICT

DEFENDANT'S ORIGINAL ANSWER

TO SAID HONORABLE COURT:

Dollar General Corporation ("Dollar General"), the Defendant herein, files this, its Original Answer to Plaintiff's Original Petition, respectfully showing unto the Court as follows:

GENERAL DENIAL

I.

Subject to such stipulations and admissions as may be hereafter made, Defendant hereby enters a general denial, as is permitted by Rule 92 of the Texas Rules of Civil Procedure.

VERIFIED DENIAL

II.

Defendant Dollar General avers that it is not liable in the capacity in which it has been sued, and there is a defect of parties, Defendant. Dollar General Corporation is neither the owner nor operator of the Dollar General store in Forney, Texas made the basis of the Plaintiff's suit. Instead, the sole owner and operator of the said Dollar General store is Dolgencorp of Texas, Inc.

AFFIRMATIVE DEFENSES

III.

Pleading further, Defendant would show that Plaintiff was guilty of certain acts or omissions of negligence, each of which, separately or concurrently, was the sole proximate cause or, alternatively, a proximate cause of the occurrence made the basis of this suit, including but not

limited to failing to keep a proper lookout for her own safety.

IV.

Pleading further, and in the alternative, Defendant would show that the occurrence made the basis of this suit was the result of an unavoidable accident; that is, one not proximately caused by the negligence of any party to it.

V.

Pleading further in the alternative, Defendant would show that the act or omission of a separate and independent agency, not reasonably foreseeable, destroyed the causal connection, if any, between the acts or omissions of Defendant and the occurrence in question, and thereby became the immediate cause of such occurrence and the Plaintiff's claimed injuries and damages.

VI.

Pleading further, Defendant would show that, pursuant to Texas Civil Practice and Remedies Code § 41.0105, any claim for medical or healthcare expenses allegedly incurred by Plaintiff is limited to the amount actually paid or incurred by or on behalf of Plaintiff.

VII.

Pleading further, Defendant would show that, pursuant to Texas Civil Practice and Remedies Code § 18.091, evidence of alleged loss of earnings, lost wages, lost earning capacity and/or loss of contributions of a pecuniary value, if any, and to the extent such recovery is sought, must be presented by Plaintiff in the form of net loss after reduction for income tax payments or unpaid tax liability to any federal income tax law.

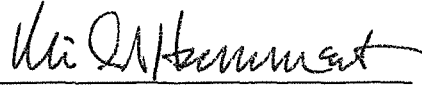
PRAYER

For the above reasons, Defendant Dollar General Corporation prays that upon final hearing judgment be rendered that Plaintiff recover nothing of and from this Defendant, and that Defendant recover its costs in this behalf expended; further, that Defendant be granted all such other and

further relief to which it may be justly entitled.

Respectfully submitted,

EKVALL & BYRNE, LLP.



Michael A. Hummert
State Bar No. 10272000
mhummert@ekvallbyrne.com
Ignacio Barbero
State Bar No. 00796162
ibarbero@ekvallbyrne.com
4450 Sigma Road, Suite 100
Dallas, Texas 75244
TELEPHONE (972) 239-0839
FACSIMILE (972) 960-9517

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was e-served on counsel of record herein in accordance with the Rules of Civil Procedure on the 10th day of March, 2022.



MICHAEL A. HUMMERT

STATE OF TEXAS §

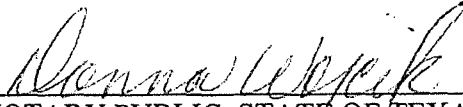
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Michael A. Hummert, known to me, who being by me duly sworn upon oath deposed and stated that he is over eighteen (18) years of age, is of sound mind, is fully competent to make this affidavit, that he is attorney of record for Dollar General Corp. and that the statements contained in Paragraph II of the foregoing instrument are, on information and belief, true and correct.

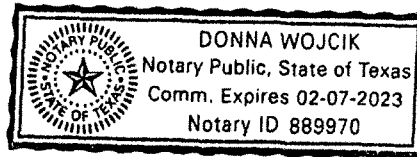


Michael A. Hummert

SUBSCRIBED AND SWORN TO before me this 10th day of March 3, 2021.



NOTARY PUBLIC, STATE OF TEXAS



Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Donna Wojcik on behalf of Michael A. Hummert
 Bar No. 10272000
 dwojcik@ekvallbyrne.com
 Envelope ID: 62495039
 Status as of 3/10/2022 1:51 PM CST

Associated Case Party: MARGARET HORN

Name	BarNumber	Email	TimestampSubmitted	Status
Mackenzie Linyard		efileML@radlawfirm.com	3/10/2022 1:47:20 PM	SENT

Associated Case Party: DOLLAR GENERAL CORPORATION

Name	BarNumber	Email	TimestampSubmitted	Status
Michael A. Hummert		mhummert@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Ignacio Barbero		ibarbero@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Deanna Ortega		dortega@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Sandi Williams		swilliams@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Donna Wojcik		dwojcik@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT

EXHIBIT E

Filed: 3/10/2022 1:47 PM
Rhonda Hughey,
District Clerk
Kaufman County, Texas
Lauren Jackson

CAUSE NO. 110207-86

MARGARET HORN	§	IN THE DISTRICT COURT
	§	
Plaintiff	§	
	§	
v.	§	KAUFMAN COUNTY, TEXAS
	§	
DOLLAR GENERAL CORPORATION	§	
	§	
Defendant	§	86TH JUDICIAL DISTRICT

DEFENDANT'S JURY DEMAND

TO THE HONORABLE COURT:

Defendant Dollar General Corporation demands a trial by jury.

Respectfully submitted,

EKVALL & BYRNE, L.L.P.



Michael A. Hummert
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mhummert@ekvallbyrne.com
Ignacio Barbero
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4450 Sigma Road, Suite 100
Dallas, Texas 75244
Telephone: 972/239-0839
Facsimile: 972/960-9517

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was e-served on counsel of record herein on the 10th day of March, 2022.

MICHAEL A. HUMMERT

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 Bar No. 10272000
 dwojcik@ekvallbyrne.com
 Envelope ID: 62495039
 Status as of 3/10/2022 2:39 PM CST

Associated Case Party: MARGARET HORN

Name	BarNumber	Email	TimestampSubmitted	Status
Mackenzie Linyard		efileML@radlawfirm.com	3/10/2022 1:47:20 PM	SENT

Associated Case Party: DOLLAR GENERAL CORPORATION

Name	BarNumber	Email	TimestampSubmitted	Status
Michael A. Hummert		mhummert@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Ignacio Barbero		ibarbero@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Deanna Ortega		dortega@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Sandi Williams		swilliams@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT
Donna Wojcik		dwojcik@ekvallbyrne.com	3/10/2022 1:47:20 PM	SENT